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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/924,227	08/07/2001	John Blair	7106-001 REG US	2450
7590 11/26/2008 DIANE VAN OS, PATENT ADMINISTRATOR, VISIONEER INC. 8016 SOUTH DEERCREEK CANYON ROAD MORRISON, CO 80465-9530				
EXAMINER				
WORKU, NEGUSSIE				
ART UNIT		PAPER NUMBER		
2625				
MAIL DATE		DELIVERY MODE		
11/26/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/924,227

Applicant(s)

BLAIR ET AL.

Examiner

NEGUSSIE WORKU

Art Unit

2625

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 August 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-4 and 7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 6 is/are allowed.
- 6) ☒ Claim(s) 2-4 and 7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 October 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/C2)
- Paper No(s)/Mail Date 03/31/03; 11/18/02
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments, filed on 08/20/08, with respect to the rejection(s) of claim(s) 1-7 under 35 U.S. C. 102(e), have been fully considered and are persuasive. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action.

Further, applicant argues, that the prior art does not teach that the "one or more card reader slots residing with in the flatbed scanner" as currently amended. Upon further review, the examiner has incorporate the below cited prior art to further teach this limitation. Therefore, Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 2-4 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nihei (USP 7,098,942), In view of Farr (USP 6,084,824).

With respect to claim 2, Nihei teaches an image acquisition apparatus (as shown in fig 1-3) connected to at least one USB equipped computer, (flat bed scanner 6, connected to computer 30 of fig 3, through USB terminal 3 of fig 1, col.3, lines 45-55) comprising: inputting image data into a control circuit (30 of fig 3, which control the over whole operation of image capture system) within said apparatus (col.4, lines 15-21); transmittal means (interface 31 of fig 3) for sending said image data from said control circuit (30 of fig 3) through the USB system of said compute (col.4, 15-22); interface means (30 of fig 3) for said control circuit (30 of fig 3) to receive instructions from, and send data to, control software on said computer (30 of fig 1).

Nihei '942' dose not explicitly teach one or more card reader slots residing with in the flatbed scanner.

Farr '824' in the same area of optical card reader including scanning assembly (as shown in fig 3) teaches one or more card reader slots residing with in the flatbed scanner (optical card reader 22 of fig 3, includes optical card guide 24, and optical card 10 is inserted into a slot 28 in a card guide, which residing in a flat card reader 22 of fig 3, col.3, lines 40-50).

Therefore, It would have been obvious to a person with ordinary skill in the art at the time the invention was made to have modifies imaging device of Nihei '942' by the teaching of Farr '824', and it should be clear to one skilled in the art that anyone of a

wide variety of flatbed scanning devices can be similarly employed to accomplish this desired result without depending from the teaching of the present invention, for the purpose of having light weight low power consumption, which is makes it attractive for use of portable electronic devices, as suggested by Farr '824' as discussed in col.2, lines 1-8.

With respect to claim 3, Nihei teaches an apparatus (as shown in fig 1-3), further comprising simple control means (a configuration of circuit of fig 3, which in includes a software to control the system through computer 30 fig 3, for controlling the over whole operation of the system of fig 2) for directing complex operations of said control circuit and said control software directly from the outside of said apparatus, (flatbed scanner 6 of fig 2, connected to the computer via USB 3, to be controlled by computer terminal 30 of fig 3) said means (30 of fig 1) comprising: at least one button (touch panel display unit 33 of fig 3) on said apparatus (image capture system of fig 1 and 2) wherein said button has a function determined by said control software indicating that button to direct a scanned image to result in a fax, email, print job or archive command (touch panel 33 of fig 3, a part of computer 30 of fig 3); an interface (I/F interface 31 of fig 3) for said button (touch sensitive panel 33 of fig 3) to direct said control circuit and said control software (col.4, lines 19-22, and also col.48-53).

With respect to claim 4, Nihei teaches an apparatus (as shown in fig 1-3), wherein said image input means (image capture system of fig 1, which is a flat bed scan 6, as shown in fig 1 and 2), further comprising a flatbed scanner, wherein said image input means further comprising a flatbed scanner, said scanner containing one or

more digital card reader slots which may accommodate at least one of a Compact Memory card reader, (card reader 35 of fig 3, col .4, lines 33-35) a Smart Media card reader, a PC or PCMCIA card, reader, a Memory Stick reader, a Multi Media card reader, a Secure Digital card reader, and an IBM Micro-drive reader (col .5, lines13-17).

With respect to claim 7, Nihei teaches a method (as shown in fig 1-3), further comprising simple control means (a configuration of circuit of fig 3, which in includes a software to control the system through computer 30 fig 3, for controlling the over whole operation of the system of fig 2) for directing complex operations of said control circuit and said control software directly from the outside of said apparatus, (flatbed scanner 6 of fig 2, connected to the computer via USB 3, to be controlled by computer terminal 30 of fig 3) said means (30 of fig 1)comprising: at least one button (touch panel display unit 33 of fig 3) on said apparatus (image capture system of fig 1 and 2) wherein said button has a function determined by said control software (touch panel 33 of fig 3, a part of computer 30 of fig 3); an interface (I/F interface 31 of fig 3) for said button (touch sensitive panel 33 of fig 3) to direct said control circuit and said control software (col.4, lines 19-22, and also col.48-53).

Allowable Subject Matter

6. Claim 6 is allowed.

Claims 6 is allowed for the reasons the prior art searched and of the record dose not teach or suggest an image processing method in an image acquisition apparatus connected to at least one USB equipped computer, comprising: an image input step

for inputting image data into a control circuit within said apparatus; a transmittal step for sending said image data from said control circuit through the USB system of said computer; an interface step for said control circuit to receive instructions from, and send data to, control software on said computer upon detection of the insertion of the appropriate media into at least one of a Compact Flash Memory card reader, a Smart Media card reader, a PC or PCMCIA Card reader, a Memory Stick reader, a Multi Media card reader, a Secure Digital card reader, and a IBM Micro drive reader, wherein the inventive software automatically launches a user interface upon insertion and detection thereof and offers one or more user options to process the data without having to press a button on the scanner.

Conclusion

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Negussie Worku whose telephone number is (571)272-7472. The examiner can normally be reached on 9A-6PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Coles can be reached on 571-272-7402. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Negussie Worku/
Primary Examiner, Art Unit 2625